

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Hironori Kobayashi)	Group Art Unit: 1795
)	
SERIAL NO:	09/882,409)	Examiner: McPherson, John A.
)	
FILED:	June 15, 2001)	
)	
TITLE:	STRUCTURE FOR PATTERN FORMATION, METHOD FOR PATTERN FORMATION, AND APPLICATION THEREOF		

Mail Stop Amendment
THE COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT INFORMATION DISCLOSURE
STATEMENT**

Sir:

This is in response to the Official Communication mailed on January 29, 2009, regarding the Notice of Non-Compliant Information Disclosure Statement. Specifically, the Notice alleged that the Information Disclosure Statement (IDS) filed on January 22, 2009, failed to meet the requirements of 37 CFR 1.97(d) because it did not include a statement as specified in 37 CFR 1.97(e). Applicant respectfully asserts that this Notice is in error.

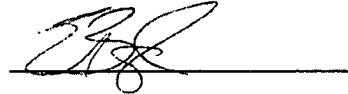
Applicant filed an amendment, along with a Request for Continued Examination (RCE), on January 7, 2009. Applicant then filed the IDS at issue on January 22, 2009. Accordingly, the IDS at issue was filed before the mailing date of a first Office Action on the merits since an RCE was filed on January 7, 2009, and no Office Action on the merits has been issued since that date. As such, Applicant considers that it was not necessary to submit a statement under 37 CFR 1.97(e) with the IDS filed on January 7, 2009. Accordingly, Applicant respectfully requests withdrawal of the present Notice of Non-Compliant Information Disclosure

Statement. Moreover, Applicant respectfully requests that the Examiner consider the references cited in the IDS filed on January 22, 2009.

Respectfully submitted,

February 2, 2009

Date



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